

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

V'Guara, Inc.,
Plainti
vs.
Steve Dec. et al.,
Defend

No: 2:13-cv-0076-JAD-NJK

**Order Granting in Part and
Denying Motion to Supplement
Summary Judgment Filings [#107]
and Setting Hearing**

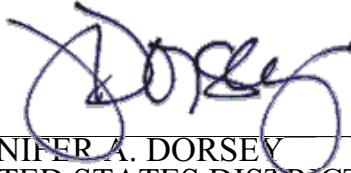
Plaintiff V'Guara, Inc.’s Motion for Summary Judgment on liability is pending. Doc. 96. Defendant opposed the motion, Doc. 103, and in its reply brief, plaintiff identified deficiencies in the declarations that defendant submitted in support of its opposition. Doc. 106; 107. Defendant now moves for leave to file “supplemental or corrected affidavits” of Val Kranski, Colin Garner, and Donald McLean because the defense failed—“by oversight or inadvertence”—to have the declarations signed under penalty of perjury. Doc. 107. Although the request is granted as to Mr. Garner’s declaration because this declarant has made the change and signed the new declaration, it is denied as to Messrs. Kranski and McLean because the new declarations offered on their behalf contain no authentic signature, just a “/s/” followed by their typewritten names. *See* Doc. 107-1 at 11, 18. As plaintiff points out in its opposition to the request for leave, 28 U.S.C. § 1746, which authorizes unsworn declarations under penalty of perjury in lieu of an affidavit, does not authorize electronic signatures.

Accordingly, IT IS HEREBY ORDERED that Defendant Steve Dec's Motion Seeking Leave to File Supplemental or Corrected Affidavits in Support of Opposition to V'Guara's Motion for Summary Judgment [**#107**] is **GRANTED in part**: the court will accept the revised affidavit of Colin Garner and directs defendant to file the revised Garner affidavit

1 (Doc. 107 at 12-13) as a “Supplement to Response to Motion to Dismiss” within 5 days. The
2 motion is **DENIED in all other respects.**

3 IT IS FURTHER ORDERED that the parties shall appear for oral argument on
4 Plaintiff’s Motion for Summary Judgment [#96] on **December 18, 2014, at 11:00 a.m.**

5 DATED: October 27, 2014.



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7 JENNIFER A. DORSEY
8 UNITED STATES DISTRICT JUDGE
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